

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17701-17750

[Approved by the Secretary of Agriculture, Washington, D. C., April 16, 1931]

17701. Adulteration and misbranding of grape and raspberry jellies. U. S. v. Kansas City Syrup & Preserving Co. Plea of guilty. Fine, \$100. F. & D. No. 23745. I. S. No. 01009.)

Examination of samples of jellies from the herein described interstate shipment having shown that the articles consisted of artificially colored and flavored products containing little if any fruit juice, and that the jars contained less than the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On February 15, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against the Kansas City Syrup & Preserving Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 8, 1928, from the State of Missouri into the State of Kansas, of quantities of grape and raspberry jellies which were adulterated and misbranded. The articles were labeled in part: (Jars) "Gold Medal Brand Net Wt. 1 Lb. Apple Pectin Grape [or "Raspberry"] Jelly Fruit Acid and Color added Packed By Kansas City Syrup & Preserving Co. Kansas City, Mo."

It was alleged in the information that the articles were adulterated in that artificially colored and artificially flavored acidified imitation jellies which contained little, if any fruit juice, had been substituted for apple pectin grape jelly, and apple pectin raspberry jelly, which the said articles purported to be. Adulteration was alleged for the further reason that the articles were products inferior to apple pectin grape and raspberry jellies and had been colored with a coal-tar dye, namely, Amaranth, so as to simulate the appearance of apple pectin grape and raspberry jellies, and in a manner whereby their inferiority to said jellies was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Apple Pectin Grape Jelly," "Apple Pectin Raspberry Jelly," and "Net Wt. 1 Lb.," borne on the labels, were false and misleading in that the said statements represented that the articles were apple pectin grape and raspberry jellies, and that each of the jars contained 1 pound net thereof; and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were apple pectin grape and raspberry jellies, and that each of the jars contained 1 pound net thereof; whereas they were artificially colored and artificially flavored acidified imitation jellies which contained little, if any, fruit juice, and each of said jars did not contain 1 pound net of the articles but did contain a less amount. Misbranding was alleged with respect to the said apple pectin grape jelly for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 3, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17702. Adulteration and misbranding of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25282. I. S. No. 9608. S. No. 3534.)

Samples of butter from the herein described interstate shipment having been found below the standard provided by Congress, namely, containing less